

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2015-0107  
New Hope Baptist Church

**P.C. DATE:** November 10, 2015

**DISTRICT:** 1

**AREA:** 0.4448 Acres

**ADDRESS:** 2405 East 16th Street

**OWNER:** New Hope Baptist Church (Roy Jones)

**AGENT:** Husch Blackwell (Nikelle Meade)

**FROM:** P-NP

**TO:** LO-CO-NP

**NEIGHBORHOOD PLAN AREA:** Chestnut

**WATERSHED:** Boggy Creek

**TIA:** N/A

**DESIRED DEVELOPMENT ZONE:** Yes

**SUMMARY STAFF RECOMMENDATION:**

Staff supports the limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning request.

The conditional overlay would limit the property to neighborhood office (NO) zoning land uses, resulting in the following prohibited land uses: Communication services, Medical offices (less than 5,000 square feet), Medical offices (exceeding 5,000 square feet), Offsite accessory parking, Personal services, Club or lodge, Convalescent services, Cultural services, and Hospital service (limited).

The conditional overlay would also limit the property to NO zoning site development regulations, with some modifications. The property would be limited to the impervious cover, building cover, building height, and floor-to-area ratio (FAR) of NO site development standards, as follows:

	<u>LO Zoning</u>	<u>Reduced to NO Zoning</u>
Maximum Impervious Coverage	70%	60%
Maximum Building Coverage	50%	35%
Maximum Building Height	40'3 stories	35'2 stories
Maximum FAR	0.7 : 1	0.35 : 1

**PLANNING COMMISSION RECOMMENDATION:**

November 10, 2015:

**ISSUES:**

New Hope Baptist Church is moving from its current location, and has requested the rezoning and a change to the future land use map (FLUM) so they may sell the subject property. The Applicant and Neighborhood have worked together to develop the hybrid LO/NO zoning request.

The proposed rezoning is effectively a request for NO zoning, except for one element of NO zoning: Section 25-2-93 of the City Code states, "An office in an NO district may contain not more than one use."

Therefore, if the rezoning is approved as recommended, the property may contain more than one of the remaining LO/NO land uses.

Additionally, the Applicant and Neighborhood have worked together to develop a private restrictive covenant that will require the church sanctuary building to remain on the property for at least 10 years. The City of Austin is not a party to the private restrictive covenant.

#### **DEPARTMENT COMMENTS:**

The proposed rezoning tract is located on the south side of East 16<sup>th</sup> Street between Chestnut Avenue and Singleton Avenue. Maple Avenue is located on the north side of East 16<sup>th</sup> Street. Maple Street was originally platted to extend further south, but drainage improvements were constructed between 16<sup>th</sup> and 13<sup>th</sup> Streets in the former right-of-way. The rezoning tract is zoned P-NP and is occupied by the New Hope Baptist Church. All of the properties immediately surrounding the rezoning tract are zoned SF-3-NP and are developed with single family houses and duplexes. On the same block, at the southeast corner of 16<sup>th</sup> and Chestnut, is a restaurant that is zoned SF-3-NP; it is considered an existing non-conforming land use). Also on the same block are two lots at the northwest corner of 13<sup>th</sup> and Chestnut that are zoned CS-MU-V-CO-NP that are developed with single family residential. Although the area is predominately residential, there are several properties that are zoned CS-MU-V-CO-NP and CS-MU-CO-NP within a 1- to 2- block radius of the rezoning tract, primarily along East 13<sup>th</sup> Street and Cedar Avenue. *Please refer to Exhibits A and B (Zoning Map and Aerial Map).*

The proposed rezoning is effectively a request for NO zoning, except for one element of NO zoning: Section 25-2-93 of the City Code states, "An office in an NO district may contain not more than one use." Therefore, if the rezoning is approved as recommended, the property may contain more than one of the remaining LO/NO land uses. Nine land uses that are permitted or conditional in LO would be prohibited, as well as impervious cover, building cover, building height, and floor-to-area ratio (FAR).

Additionally, the Applicant and Neighborhood have worked together to develop a private restrictive covenant that will require the church sanctuary building to remain on the property for at least 10 years. The City of Austin is not a party to the private restrictive covenant.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	P-NP	Religious assembly
<i>North</i>	SF-3-NP	Residential
<i>South</i>	SF-3-NP	Residential
<i>West</i>	SF-3-NP	Residential
<i>East</i>	SF-3-NP	Residential

#### **ROADWAY CHARACTERISTICS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Capital Metro (within ¼ mile)</b>
E. 16th Street	50'	30'	Local	South side only	No	No

#### **SCHOOLS:**

Cambell Elementary School

Kealing Middle School

McCallum High School

#### **NEIGHBORHOOD ORGANIZATIONS:**

Austin Neighborhoods Council

Del Valle Community Coalition

East Austin Conservancy  
Friends of Chestnut Neighborhood Plan Contact Team  
Chestnut Addition Neighborhood Association  
Chestnut Neighborhood Revitalization Corporation  
Friends of the Emma Barrientos MACC  
SEL Texas  
Chestnut Neighborhood Plan Contact Team  
African American Cultural Heritage District Business Association

Austin Heritage Tree Foundation  
Friends of Austin Neighborhoods  
United East Austin Coalition  
Preservation Austin  
Sierra Club  
AISD

**CITY COUNCIL DATE/ ACTION:** December 10, 2015

**ORDINANCE READINGS:** 1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin  
e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**PHONE:** 512-974-2122

**STAFF RECOMMENDATION:**

Staff supports the limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning request.

The conditional overlay would limit the property to neighborhood office (NO) zoning land uses, resulting in the following prohibited land uses: Communication services, Medical offices (less than 5,000 square feet), Medical offices (exceeding 5,000 square feet), Offsite accessory parking, Personal services, Club or lodge, Convalescent services, Cultural services, and Hospital service (limited).

The conditional overlay would also limit the property to NO zoning site development regulations, with some modifications. The property would be limited to the impervious cover, building cover, building height, and floor-to-area ratio (FAR) of NO site development standards, as follows:

	<u>LO Zoning</u>	<u>Reduced to NO Zoning</u>
Maximum Impervious Coverage	70%	60%
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Since the church is moving from the site, P-NP zoning is no longer appropriate. The proposed rezoning is effectively NO zoning, which is described as, "Neighborhood office (NO) district is the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may contain not more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures." This zoning is suitable for this residential area that is in close proximity to more intense mixed use and commercial areas.

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The proposed rezoning is effectively NO zoning, which, as described above, is consistent with the intent of the district.

2. *Zoning should allow for reasonable use of the property.*

Since the church is moving from the site, P-NP zoning is no longer appropriate. There is strong neighborhood opposition to any residential development of the property, so low intensity office land use is the most reasonable use.

**SITE PLAN**

SP 1 Site plans will be required for any new development other than single-family or duplex residential.

SP 2 Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP 3 **COMPATIBILITY STANDARDS:** The site is less than 20,000 square feet and is subject to compatibility standards. Along the **north, south, west, and east** property lines, the following standards apply:

- No structure may be built within 15 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

- No parking or driveways are allowed within 15 feet of the property line.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet of height are allowed plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

### **TRANSPORTATION**

TR1: No additional right-of-way is needed at this time.

TR2: A neighborhood traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 300 vehicle trips per day. [LDC, 25-6-114]

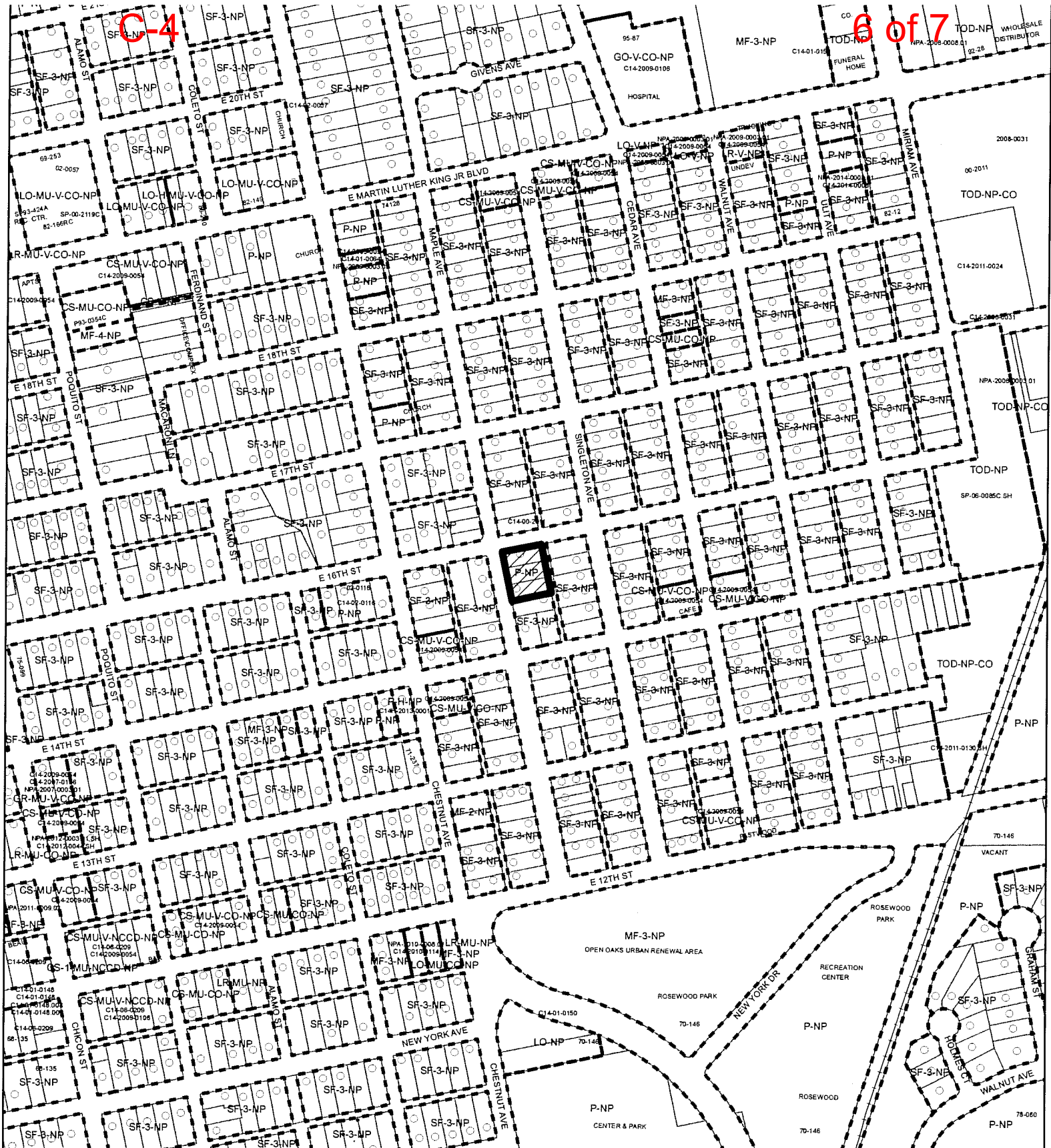
### **ENVIRONMENTAL**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### **WATER UTILITY**




FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.




$$1'' = 400'$$

## ZONING

**ZONING CASE#: C14-2015-0107**

-  SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

